

COMMISSION MEETING MINUTES

FEBRUARY 20, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, February 20, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:09 p.m.

At this time, Tim Tapp, Congregational Care and Outreach Pastor, Central Baptist Church, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, February 6, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin presented a proclamation in support of 25 years of Recycling. The following employees from Public Works and Solid Waste were present to accept: Phil Pindzola, Public Works Director, Kathy Harsh, Assistant Solid Waste Manager, Danny Greene, Field Operations Supervisor, and Eva Hunter, Recycling Program Marketing Coordinator.

Whereas in a proactive approach to the challenges of managing the solid waste produced by a growing community, the City of Johnson City initiated the state of Tennessee's first citywide curbside recycling service on February 27, 1989; and

Whereas the City of Johnson City had the foresight to voluntarily begin diversion practices two years prior to a state mandate requiring that a percentage of the waste stream be diverted from landfills; and

Whereas success of the program is a direct result of active participation of citizens and businesses in the collection of more than 203 million pounds of recycling material since the program's inception; and

Whereas the dedication of those citizens along with the hard work of the Public Works Department and Solid Waste Services Division have resulted in, at the current disposal rate, a landfill cost avoidance of more than \$2.8 million.

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of the City of Johnson City, do hereby proclaim February 27

Recycling Day

in Johnson City, and call upon all citizens and businesses to celebrate this day each year by making a renewed commitment to protecting our natural resources.

In Witness Whereof, I have
hereunto set my hand and caused the Official
Seal of the City of Johnson City, Tennessee, to
be affixed this 20th day of February 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Sheila Cox, Historic Zoning Commission representative, provided an update on their 2013 activity and 2014 goals.

At this time, Charles Spencer, Board of Dwelling Standards and Review Chair, provided an update on their 2013 activity.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

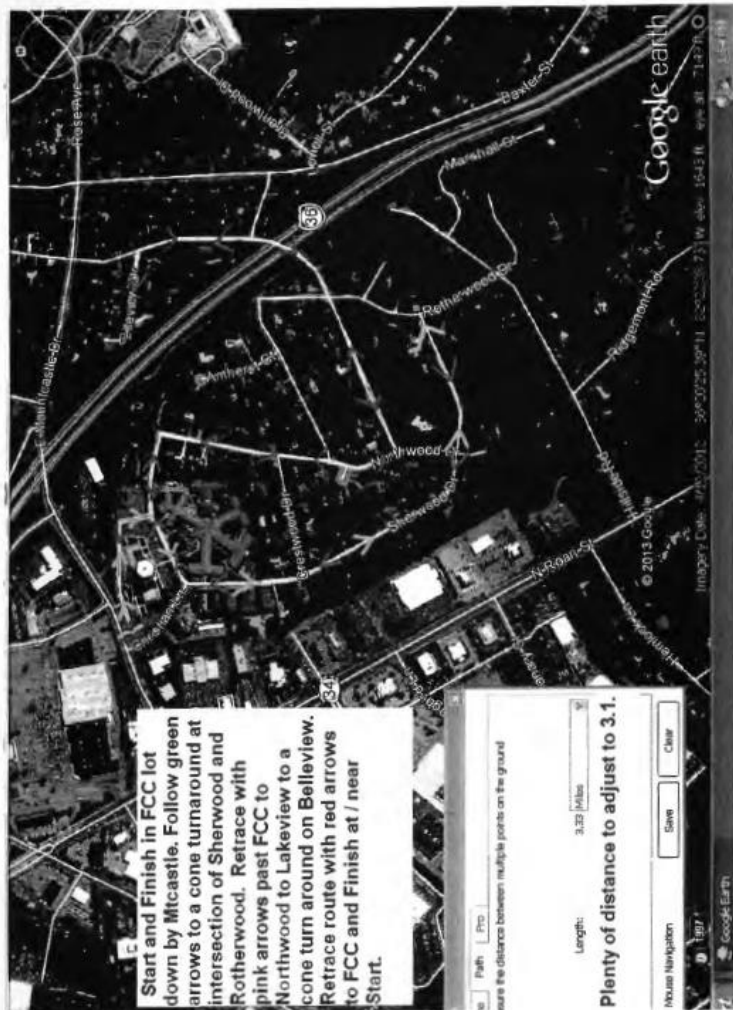
BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Certificate of Compliance for Phil Scharfstein, Benjamin Scharfstein, Jr. and Melanie Bowman, One Stop Wines & Liquors, Inc., d/b/a One Stop Wines & Spirits, 1735 West State of Franklin Road, Johnson City, Tennessee, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Mary A. Baldwin, d/b/a Billy Ray's Bar, 3712 West Market Street, Johnson City, Tennessee, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing from 3:00 p.m. until 6:00 p.m. on Sunday, May 18, 2014, as requested by the Williams Syndrome Association staff for the 5K Williams Syndrome Run/Walk, be and the same is hereby approved. Christina Maiden addressed the City Commission.

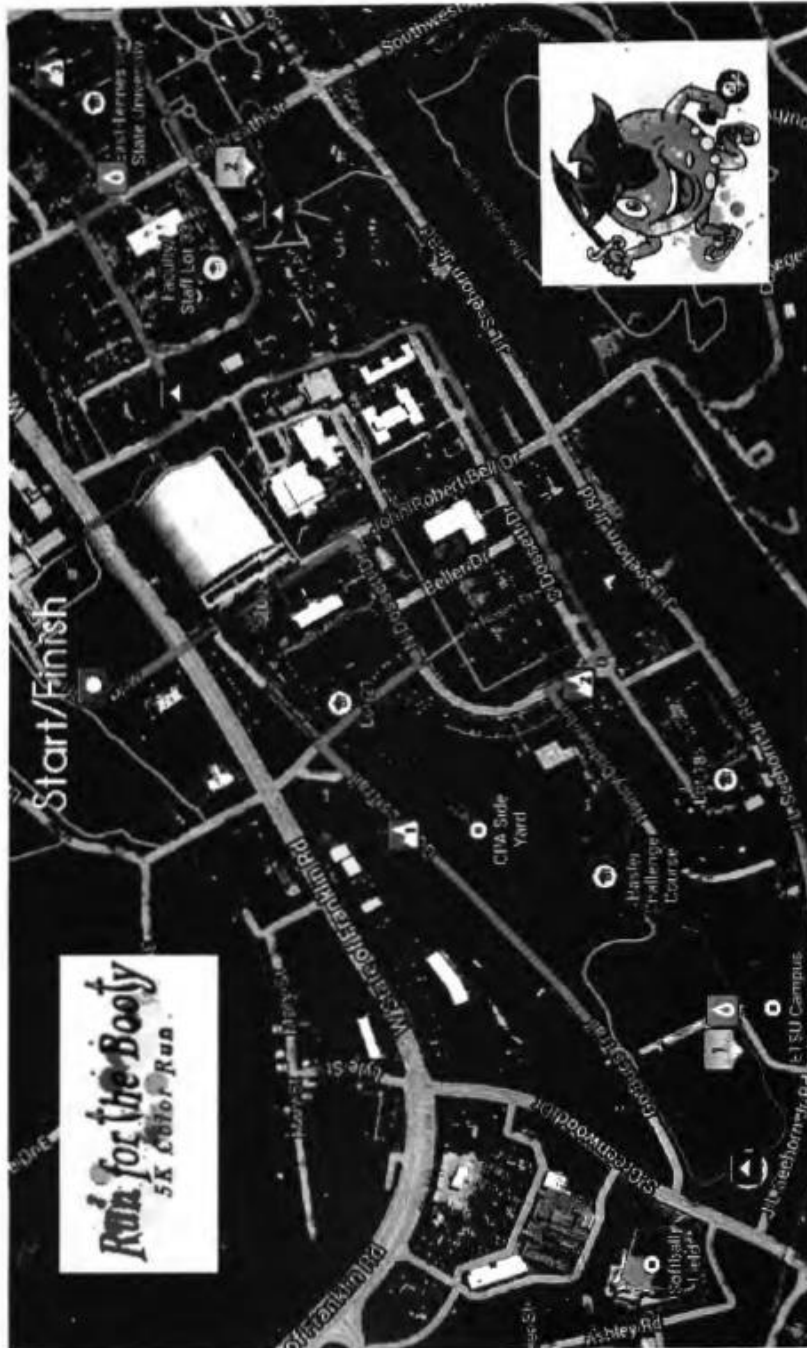


Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing of the 100, 200, and 300 blocks of East Main Street and the 300 and 400 blocks of South Roan Street from 5:00 p.m. until 11:00 p.m. on March 7, 2014, April 4, 2014, May 2, 2014, July 4, 2014, August 1, 2014, September 5, 2014, October 3, 2014, November 7, 2014 and December 5, 2014, as requested by Brandi Woodall, for the Friends of Olde Downtowne 'First Friday' events, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner Jenny Brock was absent from the Chambers. There were no nay votes.

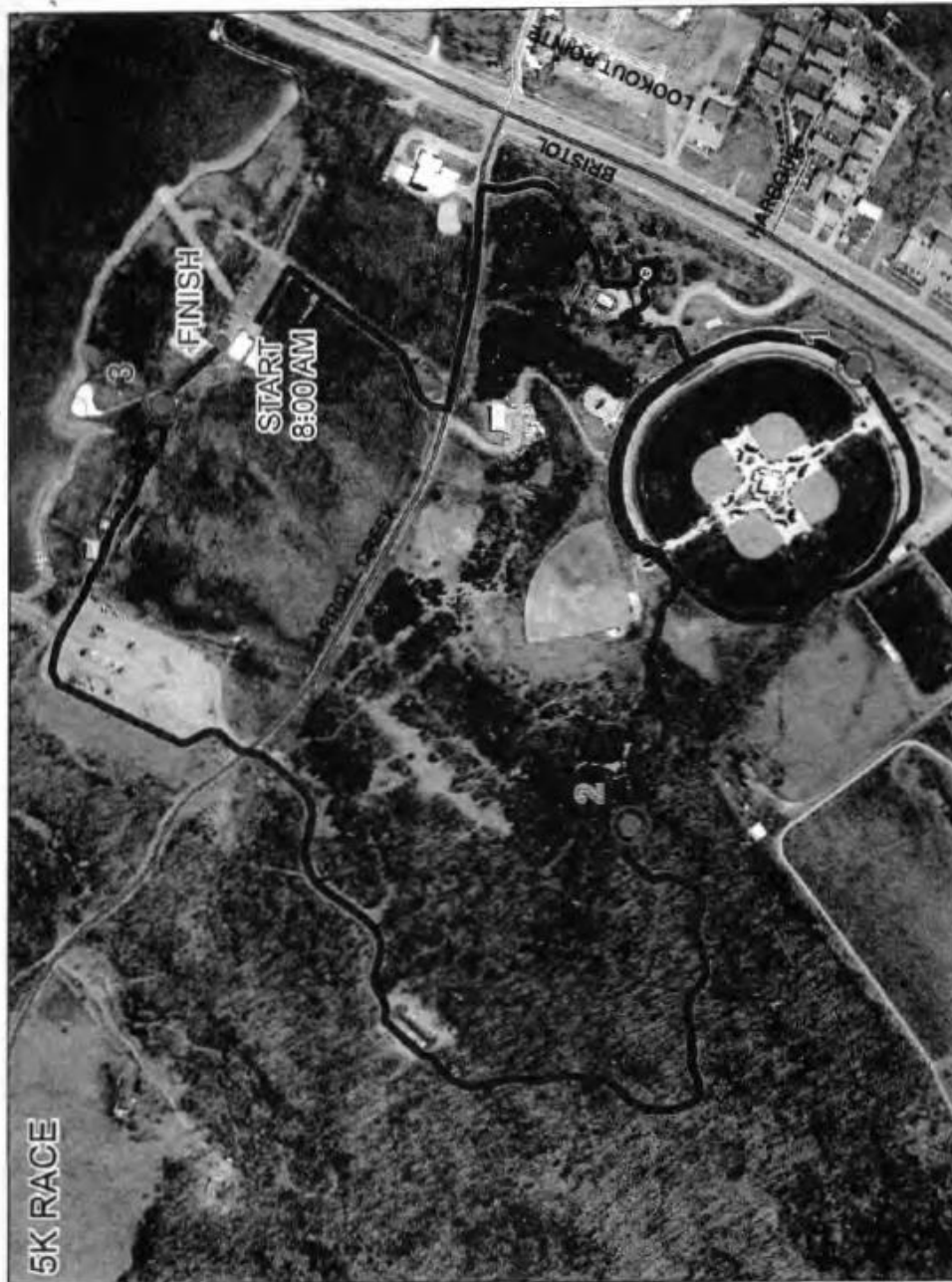
BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing from 9:00 a.m. until 10:30 a.m. on Saturday, April 12, 2014, as requested by Karen Hubbs, for the Run for the Booty 5K, in association with the Thirsty Orange Festival, be and the same is hereby approved. Aaron Carson addressed the City Commission.



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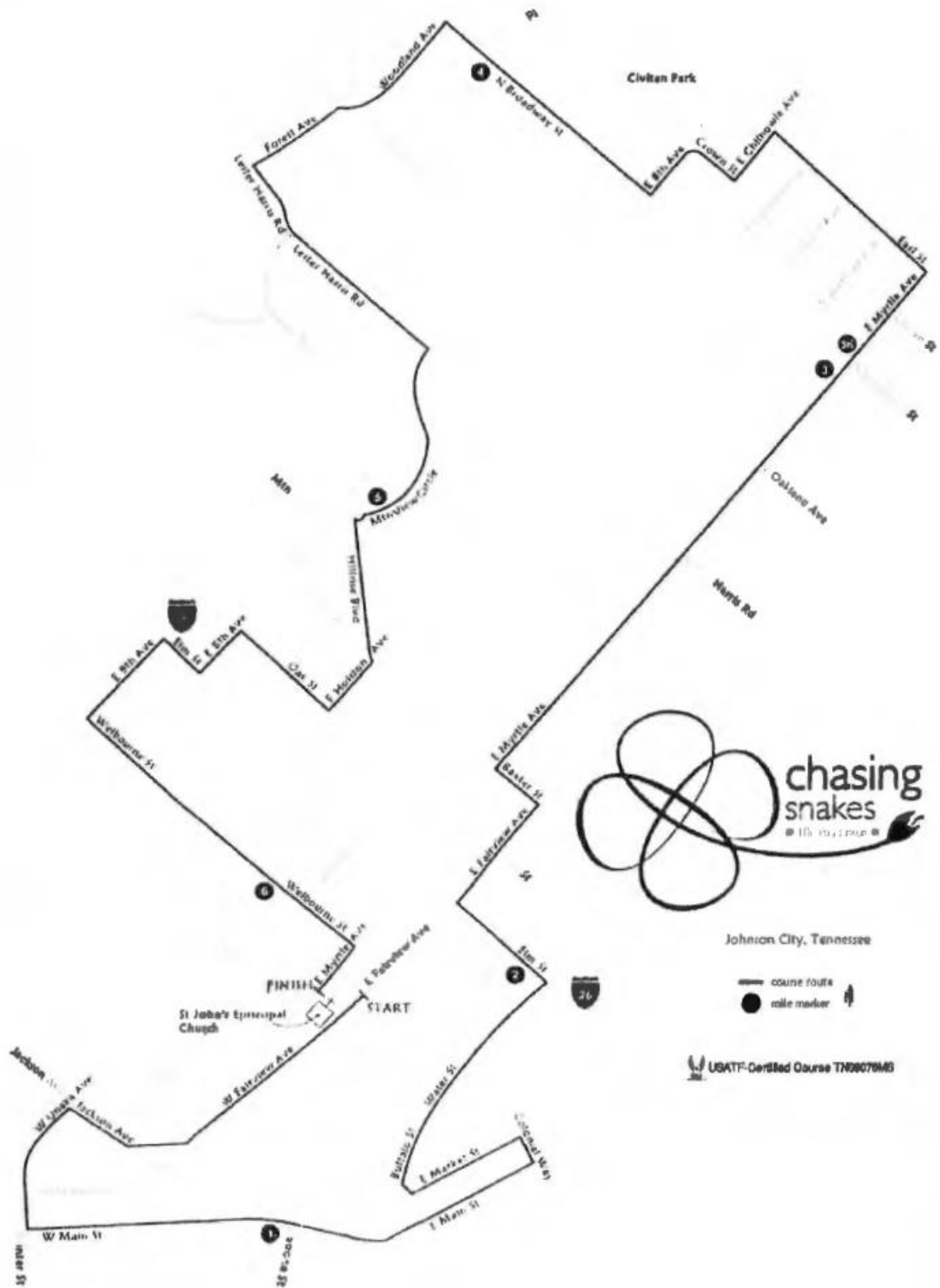
BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing from 7:00 a.m. until 1:30 p.m. on Saturday, May 10, 2014, as requested by Karen Hubbs, for the Mentoring Marathon and 5K Road Race, be and the same is hereby approved. Janine Pleasant addressed the City Commission.





Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner Jenny Brock was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a revision of a street closing from 7:00 a.m. to 10:00 a.m. on Saturday, March 15, 2014, as requested by the St. John's Episcopal Church staff, for the 10K Chasing Snakes and 4K Fitness Walk, to include an additional lane closure of North Broadway, from East 8th Avenue to Woodland Avenue, be and the same is hereby approved. This street closing was previously approved on December 19, 2013.



Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** as follows: Commissioners Jeff Banyas, Jenny Brock and David Tomita voted aye. Mayor Ralph Van Brocklin and Vice-Mayor Clayton Stout voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for February 20, 2014, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. Finance

Consider construction retainage escrow account agreement with Thomas Construction Company, Inc. and First Bank & Trust Company in the amount of \$611,640.27

B. INVOICES:

- i. Littlejohn Engineering Associates \$14,038.57
Water & Sewer Services
Cash Hollow Sewer Basin
Funding Source: Water/Sewer Bonds
- ii. Summers Taylor, Inc. \$362,544.66
Public Works Department
Broadway Street Drainage Project
Funding Source: Storm Water Fund
- iii. Volkert, Inc. \$22,004.11
Public Works Department
Browns Mill Road with Mountainview Road
Funding Source: 100% Federal Funding
- iv. Gresham Smith & Partners \$24,180.03
Public Works Department
Construction Engineering for ITS
Funding Source: 80% Federal ~ 10% State ~ 10% Local (Bonds)

- v. Cannon and Cannon \$1,189.00
Public Works Department
Signalization of University Parkway & Southwest Avenue
Funding Source: 100% Federal Funding
- vi. Mechanical Design Services \$5,397.54
Administration
Freedom Hall HVAC Modifications
Funding Source: Capital Project
- vii. Mechanical Design Services \$4,317.50
Johnson City Schools
Science Hill High School HVAC Upgrade
Funding Source: PEP Bond Issue

C. BIDS:

- i. K.D. Phillips Mowing \$49,313.20

VENDOR CHANGE

Public Works Department (Street Division)
Interstate 26 Mowing & Litter Collection
Funding Source: Budgeted Expense

TABULATION OF BIDS CITY OF JOHNSON CITY, TENNESSEE January 13, 2012 BID #5545		
Interstate 26 Mowing & Litter Collection Contract		
	Mowing (per cycle)	Litter Collection (per cycle)
K. D. Phillips	4,904.15	1,260.00
M & M Contract Mowing	4,800.00	1,000.00
Decline From: Bruce's Lawn & Landscape		
No Response From: Natco, Inc		
RECOMMEND ACCEPTANCE OF THE LOW BID, CIRCLED ABOVE. TOTAL ANNUAL COST APPROXIMATELY \$ 46,400. THREE YEAR CONTRACT, RENEWABLE ANNUALLY.		
RECOMMEND AWARD OF 2014 SEASON TO K,D] PHILLIPS. ANNUAL COST: \$ 49,313.20.		

- ii. North American Salt Company. \$41,040.00

Public Works Department (Street Division) ~ Rock Salt

EMERGENCY PURCHASE & CHANGE ORDER

Funding Source: Budgeted Expense

City of Knoxville, Tennessee Bulk Ice Control Rock Salt Bid Tabulation 6/21/2013				STATE CONTRACT	
Municipality		Morton Salt Price Per Ton	Cargill Price Per Ton	North American Salt Price Per Ton	
City of Knoxville		80.44	67.01	65.97	
City of Kingsport		91.99	77.24	75.71	
City of Bristol		94.22	83.74	78.77	
City of Elizabethton		94.22	86.67	81.50	
City of Mt. Carmel		90.86	85.80	80.66	
City of Church Hill		90.83	85.77	80.66	
East Tennessee State University		91.99	86.67	81.50	
Town of Jonesborough		91.78	86.67	81.50	
Town of Surgoinsville		86.45	84.11	79.42	
City of Johnson City		88.91	87.00	82.08	86.99 (Morton)
City of Newport		83.70	70.00	65.96	
Knox County		80.44	67.41	66.25	
City of Alcoa		82.08	68.85	67.50	
City of Maryville		82.08	68.85	67.50	
Blount County		80.44	69.00	67.50	

D. PURCHASES:

- i. Internetwork Engineering \$559,210.90

Johnson City Schools

CISCO Network Products

Funding Source: Washington County Bond Fund

E. PROPOSALS:

i. Johnson City Wofford Bros.

Insurance Agency, Inc..... \$221,590.00

Risk Management ~ Property, Data Processing and

Boiler & Machinery Insurance Renewal

Funding Source: Budgeted Expense

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, **Ordinance No. 4529-14**, "AN ORDINANCE TO AMEND 11-124 OF THE MUNICIPAL CODE (AIR GUNS/SLINGSHOTS)," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, **Ordinance No. 4528-14**, "TRANSFER OF PROPERTY FROM THE TRI-CITIES AIRPORT COMMISSION TO THE TRI-CITIES AIRPORT AUTHORITY," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

At this time, Bob Cooper, Gump Addition representative, addressed the City Commission regarding the starling and robin roosting problem in their neighborhood. He presented a proposal whereby the City would fund an intensive harassment campaign by the USDA Wildlife Services. Commissioners stated that additional information is required. Carroll Dennison and Michael Hyder (East Chilhowie) addressed the Commission concerning the noise already being created by the nightly cannon firing and its effect on the residents and pets. Mary Lou Gammo addressed the Commission in support of maintaining the bird haven in the neighborhood. Dr. William Cone and Paul Herrin addressed the Commission in support of the campaign. The City Commission Board requested progress reports on efforts made in other cities by this type of campaign.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** as follows: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout and Commissioner Jenny Brock voted aye. Commissioner David Tomita abstained from the vote. Commissioner Jeff Banyas was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of action regarding the bird problem in East Johnson City until the regularly scheduled City Commission on March 6, 2014, be and the same is hereby approved.

At this time, a public hearing was held regarding Ordinance No. 4527-14. Tom McKee, representing the developer/petitioner, addressed the City Commission regarding the rezoning. Jerry Petzoldt, realtor, addressed the Commission regarding the challenges in marketing the property, prospect activity, development trends and socio-economic trends. Tom Seaton, representing several of the neighboring businesses, addressed the Commission with concerns about the current development plans, as the result of a change in the target resident from what was previously planned. Jodi Jones, Southside Neighborhood Association president, addressed the Commission in opposition to the rezoning. Steve Blevins, Jeff Estes, Howell Sherrod, Lynnea Hunter, Sam Preston, John Hunter (speaking on behalf of Shane Abrahams, as well), Kim Blevins, Doug Buda, Greg Cox, Lisa Orr, Scott Clark, Earnest Campbell, Lynn Gouette, Paul Herrin, Ronnie Hamilton and Amber Lee spoke in opposition. Carol Trahan spoke in favor of the rezoning. Dr. Harold Hunter spoke in favor of studying the entire corridor prior to taking action on any rezoning. Scott Austin, developer/petitioner, addressed the Commission and made a presentation on the proposed development. Commissioners will require some assurances regarding the appearance of the building as well as the quality of the building materials prior to third reading.

Upon motion by Commissioner Jenny Brock, seconded by Mayor Ralph Van Brocklin, **Ordinance No. 4527-14**, "AN ORDINANCE TO REZONE FROM B-2 (CENTRAL BUSINESS) TO B-3 (SUPPORTING CENTRAL BUSINESS) CERTAIN PROPERTY LOCATED AT 500 WEST WALNUT STREET," was ***passed on second reading***. The motion ***carried*** as follows: Mayor Ralph Van Brocklin and Commissioners Jeff Banyas and Jenny Brock voted aye. Vice-Mayor Clayton Stout and Commissioner David Tomita voted nay.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 11:25 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. Action regarding the bird problem in East Johnson City until the regularly scheduled City Commission on March 6, 2014.

ACTION ITEMS:

1. None.